

REMARKS

This amendment is responsive to the Office Action dated December 23, 2005. In the amendment, claims 1, 4 and 5 have been amended, and claims 6-13 have been added such that claims 1-13 are now pending in the application. Reconsideration of the pending claims in light of this amendment and the following remarks is respectfully requested.

These amendments add no new matter. By way of example, various features recited in amended claims 1, 4 and 5 are described in FIG. 16 and the related description. These features include the acquisition of conditional information from a magnetic tape (e.g., reference MIC mode switch S114, S106), the indication based upon the same whether a memory priority mode is present (e.g., MIC priority mode S115, S107), and the corresponding control of read and/or write operations. With regard to the newly introduced claims, examples of different cartridge handling sequences that result based upon the presence or absence of the memory (MIC), memory priority mode, and an examination of the management information are variously illustrated and described in connection with the same figure.

Claims 1 and 4-5 have been alternatively rejected under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a) as being anticipated by or obvious over U.S. Pat. No. 5,493,455 to Miyoshi et al. ("Miyoshi"). This rejection is traversed.

Applicant's claimed invention provides conditional information on the tape medium that indicates whether a separate memory must be accessed (and corresponding management information examined) in controlling the read and write operations for the tape cassette housing the tape medium. This technique provides useful features including protection of the recorded data on the tape medium where the memory is absent or replaced with an illegally produced memory. The technique also allows the magnetic tape to provide an indication that recording and/or playback is allowed in the absence of such a memory, even if the tape cassette is inserted into a tape player/recorder that implements the copy protection scheme offered in connection with the separate memory.

For example, amended claim 1 recites: *[a] tape drive apparatus comprising:*

tape-oriented recording and/or reproducing means for recording and/or reproducing information to and/or from a magnetic tape housed in a tape cassette furnished as a recording medium, said tape cassette being loaded in the apparatus;

memory accessing means for accessing a memory which may be incorporated in said tape cassette separately from said magnetic tape, said memory holding management information for write and/or read operations to and/or from said magnetic tape, said memory accessing means writing and/or reading information to and/or from said memory following the accessing;

information acquiring means for acquiring conditional information from said magnetic tape by causing said tape-oriented recording and/or reproducing means to reproduce from the tape said conditional information, said conditional information indicating whether a memory priority mode is present, said memory priority mode indicating that said management information from said memory must be examined before writing and/or reading information to and/or from said magnetic tape; and

operation controlling means which, based at least on consistency between specifics of the acquired conditional information and a result of suitable access to said memory by said memory accessing means when said memory priority mode is present, controls a write and/or a read operation on said magnetic tape.

These claimed features are neither disclosed nor suggested by Miyoshi. Miyoshi discloses a tape cassette having a magnetic tape and a memory. The Miyoshi approach is stated to be useful for situations where the cassette tape with the memory device is used by recorders having different abilities. (Miyoshi, at 1:56-61). Program and tape inconsistency flags are implemented by Miyoshi. The program inconsistency flag is set or reset according to whether a content of a recorded program coincides with the information on the recorded program in the tape, and the tape inconsistency flag is set or reset according to whether the program inconsistency flag operates correctly or not. (Miyoshi, at 2:33-51). In Miyoshi, data correction is performed when the tape inconsistency flag is set. A cue control signal recorded at the top of each recorded program is detected, and the program information in a program information area is corrected according to time data on programs already recorded on the tape. After data correction, the program inconsistency flag is reset. Accordingly,

management data in the memory can be corrected according to the programs actually recorded on the tape. (Miyoshi, at 3:9-26; 3:43-47).

As the Examiner apparently appreciates, in Miyoshi, a recorder may access the memory in the tape cassette and manage recording and playback accordingly, and in doing so may compare information in the memory with the content that is stored on the tape. (e.g., Miyoshi, at 5:4-11. 12:42-44).

In Miyoshi, the above-described inconsistency flags are apparently used to manage the overwriting of the content that is recorded on the tape, and the information in the memory is generally used to manage recording and playback operations. However, there is no apparent disclosure or suggestion in Miyoshi of the particular copy protection scheme claimed by Applicant. For example, referring to claim 1, there is no disclosure of “*acquiring conditional information from said magnetic tape,*” and certainly no disclosure or suggestion of having “*said conditional information indicating whether a memory priority mode is present, said memory priority mode indicating that said management information from said memory must be examined before writing and/or reading information to and/or from said magnetic tape.*” It follows that there is no disclosure or suggestion of controlling read/write “*based at least on consistency between specifics of the acquired conditional information and a result of suitable access to said memory by said memory accessing means when said memory priority mode is present,*” as claimed by Applicant.

Again, these claimed features allow the magnetic tape to indicate the memory priority mode even in the absence of a memory, or the presence of an illegally produced memory. This clearly differs from schemes that merely seek to review a consistency between the memory and the content on the magnetic tape, and also accommodates operational modes that are not adequately supported by such schemes.

Since various features recited in independent claim 1 are neither disclosed nor suggested by Miyoshi, the reference neither anticipates nor renders obvious Applicant’s claimed invention. For similar reasons, independent claims 4 and 5, and the dependent claims that incorporate the features recited in the independent claims, are not anticipated or obvious over Miyoshi.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims as being anticipated or obvious over Miyoshi under 35 U.S.C. §§ 102(b), 103(a).

Claims 2 and 3 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Miyoshi in view of U.S. Pat. No. 4,338,664 to Staar ("Staar"). This rejection is traversed.

As previously described, Miyoshi does not disclose or suggest various features of Applicant's claimed invention, including the acquisition of conditional information from the magnetic tape, with the conditional information indicating whether a memory priority mode is present.

Staar does not remedy the deficiencies of Miyoshi. Staar discloses provision of memory circuits that may store data related to the corresponding magnetic tape, as well as an indication whether the memory has an error. Various information about the tape, including type, length, bias value, and titles of recordings may be stored in the memory. However, there is no disclosure or apparent suggestion of any kind regarding the provision of conditional information on the magnetic tape, or of indicating whether a memory priority mode is present in that conditional information, as claimed by Applicant.

Since Miyoshi and Staar, whether considered alone or in combination, would still fail to yield features recited in Applicant's claims, Applicant submits that the Examiner has failed to produce a *prima facie* case of obviousness.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) as being unpatentable over Miyoshi in view of Staar.

For the foregoing reasons, reconsideration and allowance of the claims which remain in this application are solicited. If any further issues remain, the Examiner is invited to telephone the undersigned to resolve them.

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Respectfully submitted,

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